

"PATENT"

AMENDMENT TRANSMITTAL FORM

In re application of: Paul J. Bertowitz et al
 U. S. Serial No.: 08/971,254 [400100]
 Filed: November 17, 1997
 For: SYNTHETIC DIESEL FUEL AND
 PROCESS FOR ITS PRODUCTION

) Before the Examiner
) Margaret B. Medley
)
) Confirmation Number: 3889
) Group Art Unit: 1714
) Family Number: P1995J076-US3

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JAN 14 2004

Commissioner for Patents
 P.O. Box 1450
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CERTIFICATION OF FACSIMILE TRANSMISSION

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KATHLEEN A. KUNA Kathleen A. Kuna JANUARY 14, 2004
 Type or print name of person signing certification Signature Date

Transmitted herewith is an amendment/response in the above-identified application.

Petition for extension of time pursuant to 37 CFR 1.136 and 1.137 is hereby made, if and to the extent, required. The fee for this extension of time is calculated to be \$ _____ to extend the time for filing this response until _____.

The fee for any changes in number of claims has been calculated as shown below.

CLAIMS AS AMENDED						
(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7)
Total Claims	*	Minus	**		x 18.00	
Indep. Claims	*	Minus	***		x 86.00	
MULTIPLE DEPENDENT CLAIM FEE					\$290.00	
					FEE FOR CLAIM CHANGES	

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The total fee for this REPLY BRIEF and TERMINAL DISCLAIMER, including claim changes and any extension of time is calculated to be \$ 110.00.

☒ Charge \$ 110.00 to Deposit Account No. 05-1330.

☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper, or credit any overpayment, to Deposit Account No. 05-1330. A duplicate copy of this Form is enclosed.

DATE OF SIGNATURE

Post Office Address: [to which correspondence is to be sent]
 ExxonMobil Research and Engineering Company
 P. O. Box 900
 Annandale, New Jersey 08801-0900

ATTORNEY OR AGENT OF RECORD

MARK D. MARIN

Registration No. 50,842

☒ Pursuant to 37 CFR 1.34(a)

Facsimile Number: (908) 730-3649



27810

PATENT TRADEMARK OFFICE

MDM:kak

1/14/2004

"PATENT"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Paul J. Berlowitz et al

U. S. Serial No. 08/971,254

Filed: November 17, 1997

SYNTHETIC DIESEL FUEL
AND PROCESS FOR ITS
PRODUCTION) Before the Examiner
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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF

Enclosed herewith is a Terminal Disclaimer.

REMARKSThe Office Action of January 5, 2004 has been received and reviewed.
This submission is in response to that Action.

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KATHLEEN A. KUNA	<i>Kathleen A. Kuna</i>	Jan. 14, 2004
Type or print name of person signing certification	Signature	Date



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U.S. Serial No. 08/971,254
Reply to Office Action Dated 01/05/2004
Our Reference: P1995J076-US3

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Double Patenting

The Examiner rejected claims 1-2, 4-5, 8, 12-21, 23-26 and 28-30 of the present application under the judicially created doctrine of obviousness type double patenting over claims 1 through 11 of U.S. Patent 5,689,031. Applicants have submitted herewith a Terminal Disclaimer, thus obviating this rejection.

Applicants believe that the claims are patentable and that this application is in condition for allowance, and such favorable action is respectfully requested. If any questions or issues remain, the resolution of which the Examiner feels would be advanced by a conference, he is invited to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,



MARK D. MARIN
Attorney for Applicants
Registration No. 50,842
Telephone Number: (908) 730-3271
Facsimile Number: (908) 730-3649

☒ Pursuant to 37 CFR 1.34(a)

ExxonMobil Research and Engineering Company
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1/14/2004

PTO/SB/26 (10-00) Approved for use through 10/31/2002. OMB 0651-0051
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

Docket Number (optional)

In re Application of: Paul J. Berlowitz et al

Application Number 08/971,254 [400100]

Family Number P1995J076-US3

Filed: November 17, 1997

For: SYNTHETIC DIESEL FUEL AND PROCESS FOR ITS PRODUCTION

The owner*, ExxonMobil Research and Engineering Company (formerly Exxon Research and Engineering Company) of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,889,031. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

M. Marin 1/14/04
SIGNATURE DATE

MARK D. MARIN 50,842
TYPE OR PRINTED NAME REGISTRATION NO.

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d): charge Deposit Account No. 05-1330.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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KATHLEEN A. KUNA Kathleen A. Kuna JAN. 14, 2004
Type or print name of person signing certification Signature Date



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PATENT TRADEMARK OFFICE

MDM:kak

1/14/2004